

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 02-22117-CIV-LENARD/DUBÉ

FRANCIS M. WILLIS,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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**REPORT AND RECOMMENDATION**

THIS CAUSE is before this Court on the Petition for Attorney's Fees filed by the Plaintiff (D.E. #45) pursuant to an Order of Reference entered by the Honorable Joan A. Lenard, United States District Judge. This Court has reviewed the motion and the file in this cause.

On January 31, 2008, an Order was entered by Judge Lenard adopting a Report and Recommendation by this Court and reversing and remanding this cause for further proceedings. (D.E. #43).

The present motion seeks an award of fees pursuant to the Equal Access to Justice Act. The affidavit filed by counsel for the Plaintiff indicate that 10.9 hours were spent on this case, at the rate of \$168.67 per hour, for a total recovery of \$1,838.50. The response filed by the Defendant indicates no objection to the total amount sought for fees. (D.E. #47).

This Court has reviewed the affidavit of counsel for the Plaintiff and finds that both the amount of time expended and the hourly rate requested are reasonable and that the total amount sought by the Plaintiff for fees should be awarded.

Accordingly, based on the foregoing, this Court recommends that the Petition for Attorney's Fees (D.E. #45) be **GRANTED** and that the Plaintiff be awarded the sum of **\$1,838.50** as attorney fees. In accordance with the agreement of counsel, the fees should be payable to Plaintiff's attorney, Lilli W. Marder, Esq., Marder, Gonzalez & Goetz, LLC.

Pursuant to Local Magistrate Rule 4(b), the parties have ten (10) days from service of this Report and Recommendation to serve and file written objections, if any, with the Honorable Joan A. Lenard, United States District Judge. Failure to file timely objections shall bar the parties from attacking on appeal the factual findings contained herein. Loconte v. Dugger, 847 F.2d 745 (11<sup>th</sup> Cir. 1988), cert. denied, 488 U.S. 958 (1988); R.T.C. v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993).

**DONE AND ORDERED** this 2 day of June, 2008.

  
ROBERT L. DUBÉ  
UNITED STATES MAGISTRATE JUDGE